IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1213 OF 2005

Tirthraj Radhesham Mishra ... Applicant

versus

The State of Maharashtra ... Respondent

...

Mr.M.K. Kocharekar, for the Applicant.

Mr.R.Y. Mirza, A.P.P., for the Respondent.

...

CORAM : A.M.KHANWILKAR,J.

23rd February 2005

P.C.:

. The only contention pressed into service before this Court is that the Applicant has no concern whatsoever with the society, much less being signatory to the minutes or any other document. The learned A.P.P. was relying on the documents, amongst others bearer cheque, which has been signed by some one and amount has been withdrawn, which resembles the name of the

Applicant. That by itself is not enough to deal with the contention raised before this Court. It is expected of the investigating agency that some preliminary inquiry is made and some tangible material is collected to indicate that the Applicant was connected with the society in some manner and was signatory to the disputed documents. It is only then the investigating agency can proceed against the Applicant.

. In the circumstances, this application is disposed of by directing the investigating agency to give 48 hours' advance notice to the Applicant before proceeding to arrest the Applicant after collecting necessary material against the Applicant as mentioned earlier. Till such time, the Applicant not to be arrested, but the Applicant shall extend necessary co-operation to the investigating officer for the purpose of investigation as and when called upon, failing which the limited protection given to the Applicant will be recalled.

(A.M.KHANWILKAR,J.)